



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,849	06/27/2002	William Hugold Velandar	TRANS 1	2472
23599	7590	08/11/2004	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			ALONZO, NORMA LYN	
			ART UNIT	PAPER NUMBER
			1632	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,849

Applicant(s)

VELANDER, WILLIAM HUGOLD

Examiner

Norma C Alonzo

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/19/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1,5-8, 11-13, 16, 17, 20, 22, 24, 25, 27-31, 33, 35, 36, 38, 40-44, 46, 48, 50, 53, 55 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) 1,5-8, 11-13, 16, 17, 20, 22, 24, 25, 27-31, 33, 35, 36, 38, 40-44, 46, 48, 50, 53, 55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on February 19, 2002 is acknowledged.
2. Claims 2-4, 9-10, 14-15, 18-19, 21, 23, 26, 32, 34, 37, 39, 45, 47, 49, 51, 52, and 54 have been cancelled.
3. Claims 11, 13, 16-17, 20, 29, 31, 35, 38, 43, 46, 48, and 53 have been amended.
4. Claims 1,5-8, 11-13, 16 -17, 20, 22, 24, 25, 27-31, 33, 35, 36, 38, 40-44, 46, 48, 50, 53, 55 are pending.

Election/Restrictions

5. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 5-8, 11-13, 16 - 17, 20, 22, 24, 25, 27, and 55, drawn to a non-human transgenic organism comprising a transgenic element that engenders therein

Art Unit: 1632

production of a prothrombin or prothrombin-related polypeptide and a method for using said transgenic organism for producing a prothrombin or prothrombin-related polypeptide.

Group II, claim(s) 28-31, 33, 35, 36, 38, 40-44, 46, 48, 50, and 55, drawn to a prothrombin or prothrombin-related polypeptide isolated from a transgenic organism and a composition comprising a prothrombin or prothrombin-related polypeptide.

Group III, claim(s) 53, drawn to a method for treating a wound in a patient comprising a step of administering to said patient a composition comprising a prothrombin or a prothrombin-related polypeptide produced in a transgenic organism.

6. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

According to PCT Rule 13.2, unity of invention exists only when the shared same or corresponding technical feature is a contribution over the prior art. The inventions listed as Groups I and II do not relate to a single general inventive concept because they lack the same or corresponding special technical feature. The technical feature of Groups I and II is prothrombin or prothrombin-related protein which is shown by Douketis et al. (Thromb Res 99: 25-34, 2000) to lack novelty or inventive step because the article teaches thrombin during hormone replacement therapy and does not make a

Art Unit: 1632

contribution over the prior art. Further, each group has a different special technical feature not shared by the remaining groups. Group I is directed to a non-human transgenic organism comprising a transgenic element that engenders production of a prothrombin or prothrombin-related peptide which has the special technical feature of a non-human transgenic organism not shared by any of the remaining groups. Group II is directed to a prothrombin or prothrombin-related polypeptide and a composition comprising said peptide which has the special technical feature of a polypeptide and composition comprising polypeptide not shared by any of the remaining groups. Group III is method for treating a wound in a patient comprising administering to said patient a composition comprising prothrombin or prothrombin-related peptide which has the special technical feature of a method for treating a patient not shared by any of the remaining groups.

7. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Claims 22 and 24 recite the following species: promoters of whey acidic protein genes, casein genes, lactalbumin genes and beta lactoglobulin genes.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims

Art Unit: 1632

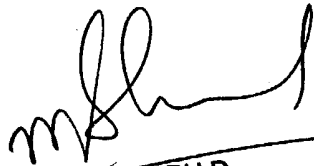
subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norma C Alonzo whose telephone number is 571-272-2910. The examiner can normally be reached on 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 571-272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER